

REMARKS

Claims 1-33 are currently pending in the subject application and are presently under consideration.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments herein.

I. Rejection of Claims 1, 5-7, 9-10, 20, 23-25, and 27-29 Under 35 U.S.C. §102(e)

Claims 1, 5-7, 9-10, 20, 23-25, and 27-29 stand rejected under 35 U.S.C. §102(e) as being anticipated by Spriggs, *et al.* (US 6,421,571). It is respectfully requested that this rejection be withdrawn for at least the following reason. Spriggs, *et al.* fails to disclose or suggest each and every element recited in the subject claims.

For a prior art reference to anticipate, 35 U.S.C. §102 requires that “*each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (*quoting Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)) (emphasis added).

Claims 1, 28, and 29

The claimed subject matter generally relates to a system that automates security in an industrial control environment by automatically creating security profiles for industrial automation devices in the environment and enforcing these profiles with respect to accessing entities. Such profiles may define different levels of access for various entities. To this end, independent claim 1 (and similarly independent claims 28 and 29) recites *an asset component that defines an industrial automation device, an access component that defines a security attribute associated with the industrial automation device, and a security component that regulates access to the industrial automation device based upon the security attribute*. Spriggs, *et al.* fails to disclose or suggest such claimed aspects.

Spriggs, *et al.* relates to a system for managing certain portions of machinery. In particular, Spriggs, *et al.* creates a common interface for such management and configuration of machinery as well as common storage of information related thereto.

While Spriggs, *et al.* appears to disclose a single system for providing operability with different functionalities of machinery, it fails to disclose or suggest *defining a security attribute associated with the industrial automation device, and a security component that regulates access to the industrial automation device based upon the security attribute.*

Specifically, the sections cited by the Examiner in the Office Action dated April 5, 2007, disclose a unified display environment, which provides access to machinery and asset information. The Examiner suggests that this teaches defining a security attribute; however, applicants' representative disagrees. There is no indication that the information is or comprises security attributes as recited in the subject claims. To the extent the Examiner is suggesting that providing access indicates security attributes, the access is not disclosed as selective, as it would be in a security context. Moreover, in support of the regulating *access to the industrial automation device* based on the security attribute aspect, the cited passage discloses a security module that provides configuration security settings "for the system 10." (See column 27, lines 64-66). The reference numeral 10 refers to the asset management system of Spriggs, *et al.* and not any *industrial automation devices* as recited in the subject claims. Furthermore, assuming *arguendo* that Spriggs, *et al.* did manage access to individual devices *via* the asset management system, this is not indicative of regulating access to the device; rather, only through the asset management system. Conversely, applicants' subject matter actually regulates access to the device itself. Thus, in Spriggs, *et al.*, even if the asset management provided selective access to devices, one could still access the device outside of the system. Applicants' claims regulates access to the devices themselves.

In view of at least the foregoing, it is readily apparent that Spriggs, *et al.* fails to disclose or suggest each and every element recited in the subject claims. Therefore, rejection of claims 1, 28, and 29, as well as claims 5-7 and 9-10, which depend therefrom, should be withdrawn.

Claim 20

Independent claim 20 recites the additional aspect of *enforcing an enterprise wide policy and managing security threats directed to the networked industrial*

automation devices. Spriggs, *et al.* discloses or suggests no such policy. Again, the section cited by the Examiner merely discloses local security settings for the asset management program, and not an enterprise wide policy as recited in the claim. Additionally, the policy provides for managing security threats directed to the industrial devices; Spriggs, *et al.* merely discloses securing access to things such as editing set points or acknowledging events – hardly security threats. Thus, it is apparent that Spriggs, *et al.* fails to disclose or suggest each and every element recited in claim 20. For at least these reasons, rejection of this claim as well as claim 23, which depends therefrom, should be withdrawn.

Claim 24

Claim 24 recites similar aspects as claims 1, 28, and 29, but additionally recites ***automatically developing a security framework for an automation system based in part on the modeling of the industrial automation device and a network access type.*** Spriggs, *et al.* aside from being deficient with respect to the similar aspects of claims 1, 28, and 29, certainly does not disclose automatically doing anything in regard to security. No framework is developed for security of an automation system in Spriggs, *et al.*, much less automatically. In the section cited by the Examiner, again, the security relates to the asset management system and is not disclosed or suggested as automatic. Therefore, it is readily apparent that Spriggs, *et al.* does not disclose or suggest all elements recited in claim 24. Thus, rejection of this claim as well as claims 25 and 27, which depend therefrom, should be withdrawn.

II. Rejection of Claims 2-4, 11-19, 21-22, 26, and 30-33 Under 35 U.S.C. §103(a)

Claims 2-4, 11-19, 21-22, 26, and 30-33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Spriggs, *et al.* in view of Le Saint (US 2004/0034774). It is requested that this rejection be withdrawn for at least the following reasons. Spriggs, *et al.* and Le Saint, when taken alone or in combination, fail to teach or suggest all elements recited in the subject claims. In particular, Le Saint fails to make up for the aforementioned deficiencies with respect to claims 1, 20, 24, and 29, from which claims

2-4, 11-19, 21-22, 26, and 30-33 respectively depend. Accordingly, rejection of these claims should be withdrawn.

III. Rejection of Claim 8 Under 35 U.S.C. §103(a)

Claim 8 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Spriggs, *et al.* It is requested that this rejection be withdrawn for at least the following reason. Spriggs, *et al.* has been shown deficient with respect to rejection of claim 1, from which claim 8 depends. Therefore, this rejection should be withdrawn as well.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [ALBRP303USA].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,
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